

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY WOMACK v. CITY OF PHILADELPHIA, et al.,	CIVIL ACTION NO. 24-1167
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ORDER RE MOTIONS TO DISMISS

AND NOW, this 10th day of October 2024, upon consideration of Defendant Ruiz’s Motion to Dismiss (ECF 11), Defendant Worrell’s Motion to Dismiss (ECF 12), Defendants Gross, Tomaino, Walsh, and the City of Philadelphia’s (the “City”) Motion to Dismiss (ECF 13), Plaintiff’s responses thereto (ECF 16–17, 22), and Defendants’ replies (ECF 20–21, 23), for the reasons stated in the foregoing memorandum, it is hereby **ORDERED** that Defendant Yvonne Ruiz’s Motion (ECF 11) is **GRANTED**. All counts against Defendant Yvonne Ruiz are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the Motions of Defendant Paul Worrell (ECF 12) and Defendants Michael Gross, Anthony Tomaino, Joseph Walsh, and the City (ECF 13) are **GRANTED IN PART**.

1. The Motions of Defendant Paul Worrell (ECF 12) and Defendants Michael Gross, Anthony Tomaino, Joseph Walsh, and the City (ECF 13) are **DENIED** with respect to Count 1 of the Amended Complaint for deprivation of liberty without due process of law and denial of a fair trial under the Fourteenth Amendment.
2. The Motions of Defendant Paul Worrell (ECF 12) and Defendants Michael Gross, Anthony Tomaino, Joseph Walsh, and the City (ECF 13) are **DENIED** with respect

to Count 2 of the Amended Complaint for violation of Plaintiff's right against self-incrimination in violation of the Fifth and Fourteenth Amendments.

3. The Motions of Defendant Paul Worrell (ECF 12) and Defendants Michael Gross, Anthony Tomaino, Joseph Walsh, and the City (ECF 13) are **GRANTED** with respect to Count 3 of the Amended Complaint for civil rights conspiracy, which is **DISMISSED WITH PREJUDICE**.
4. The Motions of Defendant Paul Worrell (ECF 12) and Defendants Michael Gross, Anthony Tomaino, Joseph Walsh, and the City (ECF 13) are **GRANTED** with respect to Count 4 of the Amended Complaint for failure to intervene, which is **DISMISSED WITH PREJUDICE**.
5. Defendants Michael Gross, Anthony Tomaino, Joseph Walsh, and the City's Motion (ECF 13) is **DENIED** with respect to Count 5 of the Amended Complaint for municipal liability. The municipal liability claim (Count 5) will proceed against the City of Philadelphia only.

It is further **ORDERED** that the subsequent Motions to Dismiss of Defendant Paul Worrell (ECF 28) and Defendants Gross, Tomaino, Walsh, and the City (ECF 29), are **DENIED as moot**.

BY THE COURT:

s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.